



CREATING A FUTURE FOR LOCAL JOURNALISM

Recommendations for the Biden-Harris Administration

December 2020

The News Media Alliance represents thousands of news publishers across the United States. Our members create and support the high-quality and trusted journalism that sustains communities and acts as an antidote to misinformation and disinformation. We have readers of every political perspective, and our overall audience is much larger than it has ever been in history. The public wants and values what we create.

But the industry sits on a knife's edge. Access to many readers of our products is controlled by a small number of major tech companies, and the terms those companies impose do not support a sustainable future for journalism. This cannot continue. We need to create a digital ecosystem for local news that rewards investments in quality reporting. It is achievable – and not necessarily difficult – but we will need action and support from the Administration and Congress.

Here are the things that would help to create a future for local journalism:

Support the Enactment of Safe Harbor Legislation

- *The Journalism Competition and Preservation Act* (H.R. 2054 / S. 1700) has been championed by Antitrust Subcommittee Chairman David Cicilline (D-RI) and Rep. Doug Collins (R-GA) in the House, and Senator John N. Kennedy (R-LA) and Antitrust Subcommittee Ranking Member Amy Klobuchar (D-MN) in the Senate. This modest, bipartisan proposal is designed to level the negotiating playing field between news publishers and dominant online platforms and authorizes a 48-month window for publishers to collectively negotiate new terms for the online publication of their content.
- Google and Facebook currently dominate the advertising ecosystem and act as the dominant intermediary between news publishers and readers, significantly limiting the relationship and value exchange between publishers and readers.

- No single news publisher is able to negotiate for adequate compensation in return for their valuable news content and this limited safe harbor from antitrust scrutiny would allow local news publishers to collectively negotiate for better deal with the tech platforms. This legislation does not require the government to do anything other than allow the industry to fight for its future.
- Early support from the Biden-Harris Administration for this critical legislation will help build the support necessary for its enactment in 2021.

Competition Policy

- The Alliance urges the Biden Administration to continue the Trump Administration’s investigations and lawsuits against the dominant tech platforms.
- The Alliance further urges the President-elect to appoint an Assistant Attorney General for the Antitrust Division who understands the pernicious impact the online platforms have had on journalism and who supports legislative remedies to address those resulting economic inequities.
- The Biden Administration should also examine the need for significantly *more* antitrust enforcement efforts, particularly with regards to the anticompetitive conduct of the dominant online platforms.
- The Administration should consider expanding the ongoing DOJ lawsuit against Google to cover issues beyond search and search advertising, including advertising technology.

Federal Trade Commission

- The FTC under the Biden Administration should increase its oversight over and enforcement actions against the tech sector.
- The Biden Administration should consider increasing FTC’s funding and resources.
- The Biden Administration’s appointments to the FTC should include experts with substantive understanding of the online content industries.

Section 230

- News publishers vet and verify information before publishing articles in our digital and print products. Social media platforms do not value quality and they continuously amplify – and profit from – false and overtly dangerous content.
- The Alliance calls on President-Elect Biden to work with Congress on a comprehensive revision of Section 230 of the Communications Decency Act to ensure that online platforms that actively amplify third-party content do not get expansive legal immunity for those business decisions.

COVID-19 Stimulus Package/PPP

- The Biden Administration must take an active role in working with congressional leaders to pass a new stimulus package and extend the Paycheck Protection Program (PPP) to include local news publishers owned by newspaper groups (S. 378 / H.R. 6897, *Local News and Emergency Information Act*).
- The Alliance also calls on the President-Elect to extend payroll forgiveness, and to provide for more generous loans for businesses to keep workers on payroll and to cover fixed costs, such as print production (H.R. 8070, *The PRINT Act*.)
- The Biden Administration should direct the Office of Management and Budget to coordinate efforts across federal agencies to direct existing and future advertising dollars to local news outlets. For example, local newspapers could serve as partners to the Centers for Disease Control in a public education campaign – based on science – that would counter misinformation and lessen public skepticism over COVID-19 vaccinations.

Tax Credits

- The Administration should support targeted and time-limited tax credits for local and community news publishers and their readers to incentivize news subscriptions, advertising and newsroom hiring.

Press Relations

- A free, diverse and independent press is an essential component of our democracy. The Alliance believes it is vital for the Biden Administration to normalize relations with news media organizations and restore longstanding traditions of pool coverage and press access so that the public can better understand the actions being taken by those in whom Americans have placed their trust.

Copyright Reform / Copyright Office

- Strong copyright laws incentivize the creative process and protect the investment in long-term investigative journalism. Hiring reporters and funding newsrooms is a tremendous financial commitment, and copyright protections help to ensure that continues.
- Decades of expansive court decisions around the concept of “fair use” have steadily eroded the rights of news publishers in the content they produce. Textual news is flatly treated worse than other forms of content, including video and audio.
- The Alliance urges the Biden Administration to support strengthened enforcement of copyright laws, undertake a fresh look at the Copyright Act as it applies to the digital age, proceed swiftly with Copyright Office modernization efforts, and to advance changes beneficial to the copyright industries, including the abrogation of state sovereign immunity in copyright cases.

- The Alliance further urges the Biden Administration to balance the interests of big tech and intellectual property rights holders in hiring decisions for positions involved in intellectual property policy.

Trade

- The Alliance calls on the Biden Administration to abandon the Trump Administration's efforts to include prescriptive copyright safe harbor provisions as well as broad online platform liability protections in any future trade agreements.
- Any trade agreement negotiated during the Biden Administration should ensure strong copyright protections and avoid hampering national efforts to protect the sustainability of high-quality journalism and fight online harms.
- The Biden Administration should support national and multinational efforts to address online harms and online platform liability protections. This includes not trying to impose Section 230-like liability exemptions on other countries.

Consumer Privacy

- The Alliance urges the Biden-Harris Administration to work with bipartisan congressional leaders to enact legislation creating national privacy standards that focus on the most harmful market actors and uses of consumer data, while avoiding the imposition of undue burdens on small businesses and news publishers who take consumer privacy seriously.
- Any federal legislation should account for the vast collection and monetization of consumers' personal information by the platforms through their many products and services across the web, and the legislation's provisions should be targeted proportionately toward those reaping the rewards.